

DAE  
JW

BRINKS  
HOFER  
GILSON  
& LIONE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Date: May 13, 2005 Name: Henry L. Brinks, Reg. No. 17,013 Signature:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Richard L. Martin et al.

U.S. Patent No. 6,866,797

Issue Date: March 15, 2005

Appln. No.: 09/922,231

Filed: August 3, 2001

For: Corrosion Inhibitors and Methods of Use

Attorney Docket No: 11181/3

Examiner: Philip C. Tucker

Art Unit: 1712

Commissioner for Patents, P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(d) in duplicate; Exhibits A, B, and C; and
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

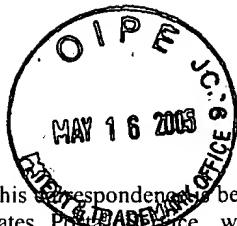
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Henry L. Brinks (Reg. No. 17,013)

May 13, 2005

Date



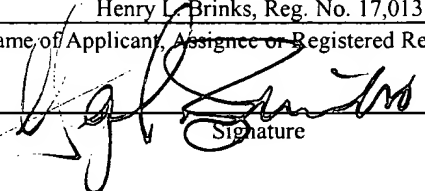
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May 13, 2005

Date of Deposit

Henry L. Brinks, Reg. No. 17,013  
Name of Applicant, Assignee or Registered Representative

  
Signature

Our Case No. 11181/3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Richard L. Martin et al.	)	
	)	Examiner: Philip C. Tucker
U.S. Patent No. 6,866,797	)	
	)	Group Art Unit No. 1712
Issue Date : March 15, 2005	)	
	)	
Serial No. 09/922,231	)	
	)	
Filing Date: August 3, 2001	)	
	)	
Title: Corrosion Inhibitors and Methods of Use	)	
	)	

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent No. 6,866,797 was issued on March 15, 2005. Pursuant to 35 U.S.C. § 154(b) the United States Patent and Trademark Office has calculated a patent term adjustment of

17 days. A copy of the Issue Notification for U.S. Patent No. 6,866,797 is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 156 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. Patent No. 6,866,797 was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. Patent No. 6,866,797 as described in detail below. Pursuant to 37 C.F.R. § 1.705(d), this request for reconsideration is being filed within two months of the issue date of the above-referenced patent. Note that U.S. Patent No. 6,866,797 is not subject to a terminal disclaimer.

Period of adjustment for activities prior to mailing of Notice of Allowance

As detailed in the Patent Term Adjustment History that is attached as Exhibit B, the patent term adjustment indicated on the Notice of Allowance was 1 days.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a).

The present application was filed on 3 August 2001 as evidenced by the official filing receipt attached as Exhibit C. The 3 year date determined pursuant to 37 C.F.R. § 1.703(b) is 3 August 2004. U.S. Patent No. 6,866,797 was issued on 15 March 2005, which is 224 days beyond the 3 year date. As indicated by the PAIR system Patent Term Adjustment History, attached as Exhibit B the total delay by the U.S. Patent Office was 160 days. The non-overlapping period of adjustment pursuant to 37 C.F.R. § 1.703(f) is submitted to be 384 days (160 + 224). The total delay by the Applicant was 207 days. Accordingly the total delay in the present application is 177 days. Accordingly, Applicant's Attorney respectfully requests recalculation of the patent term adjustment to take this non-overlapping period delay into account.

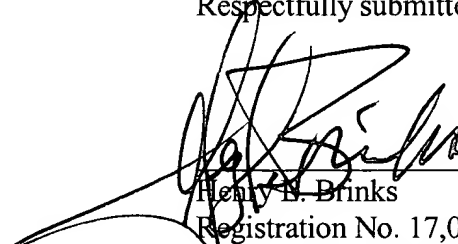
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delay pursuant to 37 C.F.R. § 1.704. Thus, we submit that the patent term adjustment should be 384 days - 207 days = 177 DAYS, instead of the 17 days indicated on the issue notification.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. Patent No. 6,866,797 is not correct. Therefore, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated

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Respectfully submitted,



Henry B. Brinks  
Registration No. 17,013  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,231	03/15/2005	6866797	11181/3	7571

7590 02/23/2005

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Chicago, IL 60610

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## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 17 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

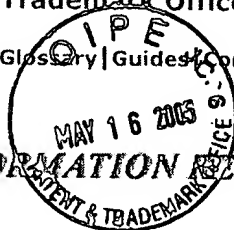
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

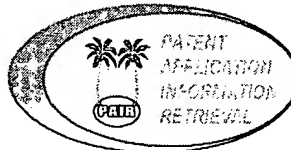
Richard L. Martin, Pinehurst, TX;  
Gene F. Brock, The Woodlands, TX;  
James B. Dobbs, Houston, TX;



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## PATENT APPLICATION INFORMATION RETRIEVAL



## Patent Term Adjustment (PTA) for publication number: 09/922,231

		Days
Filing or 371(c) Date:	08-03-2001	USPTO Delay (PTO): 224
Issue Date of Patent:	03-15-2005	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 207
Post-Issue Petitions (days):	+0	Total PTA: 17
USPTO Adjustment (days):	+0	Explanation of Calculations

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Continuity Data
Image File Wrapper
File History
Maintenance Fees - Retrieve fees to pay
Maintenance Fees - View payment windows
Maintenance Statement - View 04 year payment window
Maintenance Statement - View 08 year payment window
Maintenance Statement - View 12 year payment window
Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
02-23-2005	PTA 36 Months	64	
03-15-2005	Patent Issue Date Used in PTA Calculation		
02-04-2005	Receipt into Pubs		
02-03-2005	Dispatch to FDC		
02-03-2005	Application Is Considered Ready for Issue		
01-27-2005	Workflow - Drawings Finished		48
01-27-2005	Issue Fee Payment Verified		
01-27-2005	Issue Fee Payment Received		
01-10-2005	Receipt into Pubs		
11-10-2004	Workflow - File Sent to Contractor		
10-27-2004	Mail Notice of Allowance		
10-26-2004	IFW TSS Processing by Tech Center Complete		
06-03-2002	Reference capture on IDS		
10-26-2004	Issue Revision Completed		
10-26-2004	Notice of Allowance Data Verification Completed		
10-26-2004	Case Docketed to Examiner in GAU		
10-26-2004	Notice of Allowability		
08-23-2004	Date Forwarded to Examiner		
08-16-2004	Response after Non-Final Action		4
08-16-2004	Workflow incoming amendment IFW		
05-12-2004	Mail Non-Final Rejection		
05-11-2004	Non-Final Rejection		

03-09-2004	Date Forwarded to Examiner		
02-20-2004	Response after Non-Final Action		35
02-20-2004	Request for Extension of Time - Granted		↑
10-16-2003	Mail Non-Final Rejection		↑
10-01-2003	Non-Final Rejection		
07-23-2003	Date Forwarded to Examiner		
07-14-2003	Response after Non-Final Action		32
07-14-2003	Request for Extension of Time - Granted		↑
03-12-2003	Mail Non-Final Rejection	160	↑
03-10-2003	Non-Final Rejection	↑	
06-03-2002	Information Disclosure Statement (IDS) Filed	↑	
04-10-2002	Case Docketed to Examiner in GAU	↑	
03-20-2002	Application Dispatched from OIPE	↑	
03-11-2002	Application Is Now Complete	↑	88
01-14-2002	Payment of additional filing fee/Preexam	↑	↑
01-14-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	↑
01-14-2002	Applicant has submitted new drawings to correct Corrected Papers problems	↑	↑
03-08-2002	Correspondence Address Change	↑	↑
09-13-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
09-10-2001	Correspondence Address Change	↑	
09-10-2001	Correspondence Address Change	↑	
08-10-2001	IFW Scan & PACR Auto Security Review	↑	
08-03-2001	Initial Exam Team nn	↑	





## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/922,231	08/03/2001	1712	1242	11181/3	7	36	4

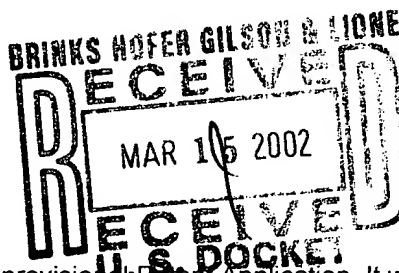
CONFIRMATION NO. 7571

## UPDATED FILING RECEIPT



\*OC00000007612741\*

BRINKS HOFER GILSON & LIONE  
N B C TOWER, SUITE 3600  
455 N. CITYFRONT PLAZA DR.  
Chicago, IL 60610



Date Mailed: 03/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Richard L. Martin, Pinehurst, TX;  
Gene F. Brock, The Woodlands, TX;  
James B. Dobbs, Houston, TX;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/222,557 08/03/2000

## Foreign Applications

If Required, Foreign Filing License Granted 09/10/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

## Title

Corrosion inhibitors and methods of use

## Preliminary Class

507

EXHIBIT C-1

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

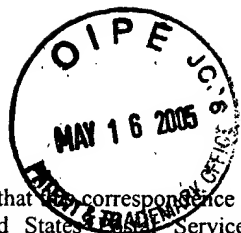
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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May 13, 2005

Date of Deposit

Henry L. Brinks, Reg. No. 17,013

Name of Applicant, Assignee or Registered Representative

Signature

Our Case No. 11181/3

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	)	
Richard L. Martin et al.	)	
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U.S. Patent No. 6,866,797	)	
	)	Group Art Unit No. 1712
Issue Date : March 15, 2005	)	
	)	
Serial No. 09/922,231	)	
	)	
Filing Date: August 3, 2001	)	
	)	
Title: Corrosion Inhibitors and Methods of Use	)	
	)	

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(d)**

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Commissioner for Patents  
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The present application was filed on 3 August 2001 as evidenced by the official filing receipt attached as Exhibit C. The 3 year date determined pursuant to 37 C.F.R. § 1.703(b) is 3 August 2004. U.S. Patent No. 6,866,797 was issued on 15 March 2005, which is 224 days beyond the 3 year date. As indicated by the PAIR system Patent Term Adjustment History, attached as Exhibit B the total delay by the U.S. Patent Office was 160 days. The non-overlapping period of adjustment pursuant to 37 C.F.R. § 1.703(f) is submitted to be 384 days (160 + 224). The total delay by the Applicant was 207 days. Accordingly the total delay in the present application is 177 days. Accordingly, Applicant's Attorney respectfully requests recalculation of the patent term adjustment to take this non-overlapping period delay into account.


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---

Henry B. Brinks  
Registration No. 17,013  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



# UNITED STATES PATENT AND TRADEMARK OFFICE

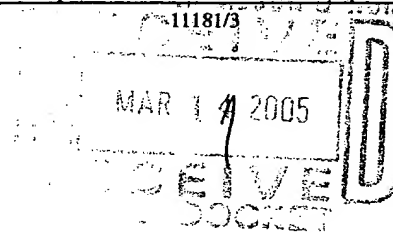
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,231	03/15/2005	6866797	11181/3	7571

7590

02/23/2005

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455 N. CITYFRONT PLAZA DR.  
Chicago, IL 60610



## ISSUE NOTIFICATION

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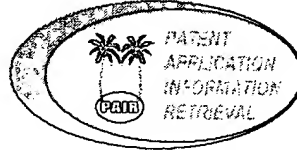
Richard L. Martin, Pinehurst, TX;  
Gene F. Brock, The Woodlands, TX;  
James B. Dobbs, Houston, TX;



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## PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/922,231			
			Days
Filing or 371(c) Date:	08-03-2001	USPTO Delay (PTO):	224
Issue Date of Patent:	03-15-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	207
Post-Issue Petitions (days):	+0	Total PTA:	17
USPTO Adjustment (days):	+0	Explanation of Calculations	

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File History
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Maintenance Fees - View payment windows
Maintenance Statement - View 04 year payment window
Maintenance Statement - View 08 year payment window
Maintenance Statement - View 12 year payment window
Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
02-23-2005	PTA 36 Months	64	
03-15-2005	Patent Issue Date Used in PTA Calculation		
02-04-2005	Receipt into Pubs		
02-03-2005	Dispatch to FDC		
02-03-2005	Application Is Considered Ready for Issue		
01-27-2005	Workflow - Drawings Finished		48
01-27-2005	Issue Fee Payment Verified		
01-27-2005	Issue Fee Payment Received		
01-10-2005	Receipt into Pubs		
11-10-2004	Workflow - File Sent to Contractor		
10-27-2004	Mail Notice of Allowance		
10-26-2004	IFW TSS Processing by Tech Center Complete		
06-03-2002	Reference capture on IDS		
10-26-2004	Issue Revision Completed		
10-26-2004	Notice of Allowance Data Verification Completed		
10-26-2004	Case Docketed to Examiner in GAU		
10-26-2004	Notice of Allowability		
08-23-2004	Date Forwarded to Examiner		
08-16-2004	Response after Non-Final Action		4
08-16-2004	Workflow incoming amendment IFW		⏏
05-12-2004	Mail Non-Final Rejection		⏏
05-11-2004	Non-Final Rejection		



03-09-2004	Date Forwarded to Examiner		
02-20-2004	Response after Non-Final Action		35
02-20-2004	Request for Extension of Time - Granted		
10-16-2003	Mail Non-Final Rejection		
10-01-2003	Non-Final Rejection		
07-23-2003	Date Forwarded to Examiner		
07-14-2003	Response after Non-Final Action		32
07-14-2003	Request for Extension of Time - Granted		
03-12-2003	Mail Non-Final Rejection	160	
03-10-2003	Non-Final Rejection		
06-03-2002	Information Disclosure Statement (IDS) Filed		
04-10-2002	Case Docketed to Examiner in GAU		
03-20-2002	Application Dispatched from OIPE		
03-11-2002	Application Is Now Complete		88
01-14-2002	Payment of additional filing fee/Preexam		
01-14-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		
01-14-2002	Applicant has submitted new drawings to correct Corrected Papers problems		
03-08-2002	Correspondence Address Change		
09-13-2001	Notice Mailed--Application Incomplete--Filing Date Assigned		
09-10-2001	Correspondence Address Change		
09-10-2001	Correspondence Address Change		
08-10-2001	IFW Scan & PACR Auto Security Review		
08-03-2001	Initial Exam Team nn		



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/922,231	08/03/2001	1712	1242	11181/3	7	36	4

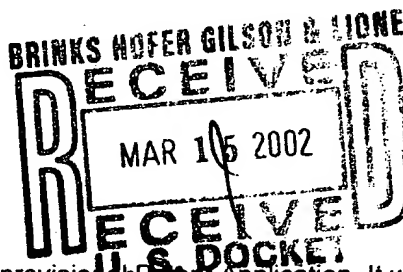
CONFIRMATION NO. 7571

## UPDATED FILING RECEIPT



\*OC000000007612741\*

BRINKS HOFER GILSON & LIONE  
N B C TOWER, SUITE 3600  
455 N. CITYFRONT PLAZA DR.  
Chicago, IL 60610



Date Mailed: 03/11/2002

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## Applicant(s)

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## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/222,557 08/03/2000

## Foreign Applications

If Required, Foreign Filing License Granted 09/10/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

## Title

Corrosion inhibitors and methods of use

## Preliminary Class

507

EXHIBIT C-1

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